

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARLENA ROSS,

Plaintiff,

v.

PACIFIC MARITIME
ASSOCIATION, et al.,

Defendants,

INTERNATIONAL LONGSHORE
AND WAREHOUSE UNION (ILWU)
LOCAL 19,

Intervenor-Defendant.

C19-1676 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The Court previously scheduled oral argument on the parties' cross motions for summary judgment, docket nos. 44, 53, 57, 61, and 82 for Tuesday, July 14, 2020, at 9:30 a.m. The Court further sets the timing and procedures for oral argument as follows:

(a) The parties should be prepared to address the Court's response to the parties' objections to Exhibit A, attached.

(b) No more than one attorney for each party may argue each motion.

(c) The Court will hear arguments on the parties' motions with the following time limits including rebuttal:

Motion(s)	Claims	Parties and time limits
<ul style="list-style-type: none"> SSA's Motion for Partial Summary Judgment, docket no. 44 	<ul style="list-style-type: none"> Claim II (Hostile Work Environment) Claims IV & V (IIED and NIED) 	<ul style="list-style-type: none"> Defendant SSA – 15 minutes Plaintiff Ross – 15 minutes
<ul style="list-style-type: none"> PMA's Phase Two Motion for Summary Judgment, docket no. 53 Local 19's and JPLRC's Motion for Summary judgment, docket no. 57 Ross' Motion for Partial Summary Judgment, docket no. 61 Local 19's and JPLRC's Second Motion for Summary judgment, docket no. 82 	<ul style="list-style-type: none"> Claim I (Sex Discrimination) 	<ul style="list-style-type: none"> Defendants PMA, Local 19, JPLRC, and SSA – 40 minutes to be self-allocated among the Defendants¹ Plaintiff Ross – 40 minutes

¹ Defendants will argue first and last.

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2 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
3 record.

4 Dated this 10th day of July, 2020.

5 William M. McCool
6 Clerk

7 s/Karen Dews
8 Deputy Clerk
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Exhibit A

<u>Claims in the SAC, docket no. 36</u>	<u>Against Defendant</u>	<u>Current Status</u>	<u>Objections</u>
Claim I: Sex discrimination pursuant to WLAD and Healthy Starts Act ("HSA")	-HSA claim solely against SSA	-The HSA sex discrimination claim was not addressed in any motion and thus remains for trial -No oral argument <u>Court response:</u>	<u>The parties agree that Plaintiff's Healthy Starts Act claim against SSA is completely subsumed in Claim III</u> Rrcp v h u'Eqwpv'KJ UC" ercko 'ku'F KUO KUUGF 0"Vj g' r ctvkgu'uj qwf "dg'r tgr ctgf " vq'f kuewu'y j gj gt "y ku" qdlgev kqp "cnuq "cr r kgu'vq'vj g' Count IV & V HSA claims.
	- WLAD claim against SSA, PMA, and the JPLRC	-The Court's ruling on <u>this</u> <u>these</u> claims is DEFERRED to oral argument on July 14 (see Minute Order) <u>-MSJ's of PMA, Local 19 and JPLRC cover both credit hours and light duty</u> <u>-Plaintiff's MSJ covers only light duty</u>	<u>Court response:</u> The Court agrees with the parties' characterization of the Motions. The parties should be prepared to discuss whether there is an existing WLAD sex discrimination claim against Local 19. See docket no. 36 at ¶¶ 3.1-3.6.
Claim II: Hostile work environment pursuant to WLAD on the basis of sex	-SSA	-Court's ruling on this claim is DEFERRED to oral argument on July 14 (see Minute Order)	

<u>Claims in the SAC, docket no. 36</u>	<u>Against Defendant</u>	<u>Current Status</u>	<u>Objections</u>
Claim III: Failure to provide adequate lactation accommodations pursuant to the WLAD, HSA, and FLSA	<ul style="list-style-type: none"> -WLAD discrimination claim against PMA, JPLRC, Local 19, -and SSA* -WLAD retaliation claim against SSA - HSA claim against SSA - FLSA claim against PMA, JPLRC, SSA, and Local 19* 	<ul style="list-style-type: none"> -All remain for trial due to disputed issue of material fact (see Minute Order) -No oral argument <p>* As to PMA, JPLRC, and Local 19, the only ADAWLAD/FLSA lactation claims pertains to alleged delay in handling Plaintiff's request for lactation. (See Dkt. 65, Stipulation)</p>	<p><u>Court response:</u></p> <p>The parties should be prepared to discuss whether there is an existing WLAD claim against JPLRC and Local 19 for an alleged delay in the handling of Plaintiff's request for lactation accommodations. See Plaintiff's Opposition, docket no. 95 at 1-2.</p>
Claims IV & V: IIED and/or NIED violating duties owed under the HSA and the FLSA	- SSA	-Court's ruling on this claim is DEFERRED to oral argument on July 14 (see Minute Order)	